

2008066412

## ORDINANCE NO. 442

RECORDED

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AND APPROVING THE MIDDLETON DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS, WAIVING THE READING RULES; PROVIDING A REPEALER CLAUSE; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

2008 DEC 19 PM 3 43

WILLIAM H. HURST  
CANYON CITY RECORDERREQUEST City of Middleton  
TYPE Ordinance FEE \$

WHEREAS, on or about the 5th day of September 2006, by Council Resolution No. 233-06, the Council and Mayor of Middleton created an urban renewal agency, the Middleton Urban Renewal Agency (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, being Idaho Code, Title 50, Chapter 20, as amended (the "Law"), and the Local Economic Development Act, the same being Idaho Code, Title 50, Chapter 29, as amended (the "Act"), upon making the findings of necessity required for creating said Urban Renewal Agency;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the City of Middleton ("City") authorized the preparation of an eligibility report by Sage Community Resources ("Consultant"), to consider an area bounded generally by west of Fourth Avenue to Main Street and the railroad right-of-way on the east, 1st Street North on the north, and Arbor Drive, Boise Street on the south;

WHEREAS, the *City of Middleton Area Urban Renewal Eligibility Report*, dated June 4, 2007 (the "June 2007 Report"), examined the designated urban renewal area for the purpose of determining whether such area is a deteriorating or deteriorated area as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8)(b);

WHEREAS, the City, on June 5, 2007, adopted Resolution No. 238-07 accepting the June 2007 Report;

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ORDINANCE - 1

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TECHNICAL SUPPORT

**ORDINANCE NO. 442**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AND APPROVING THE MIDDLETON DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS, WAIVING THE READING RULES; PROVIDING A REPEALER CLAUSE; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on or about the 5th day of September 2006, by Council Resolution No. 233-06, the Council and Mayor of Middleton created an urban renewal agency, the Middleton Urban Renewal Agency (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, being Idaho Code, Title 50, Chapter 20, as amended (the "Law"), and the Local Economic Development Act, the same being Idaho Code, Title 50, Chapter 29, as amended (the "Act"), upon making the findings of necessity required for creating said Urban Renewal Agency;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the City of Middleton ("City") authorized the preparation of an eligibility report by Sage Community Resources ("Consultant"), to consider an area bounded generally by west of Fourth Avenue to Main Street and the railroad right-of-way on the east, 1st Street North on the north, and Arbor Drive, Boise Street on the south;

WHEREAS, the *City of Middleton Area Urban Renewal Eligibility Report*, dated June 4, 2007 (the "June 2007 Report"), examined the designated urban renewal area for the purpose of determining whether such area is a deteriorating or deteriorated area as defined by Idaho Code, Sections 50-2018(9) and 50-2903(8)(b);

WHEREAS, the City, on June 5, 2007, adopted Resolution No. 238-07 accepting the June 2007 Report;

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WHEREAS, the Mayor and Council considered the steps set forth by the Act and Law, accepting the June 2007 Report finding the area set forth in the June 2007 Report to be "deteriorated" or "deteriorating" areas as defined by Idaho Code Sections 50-2018(9), and 50-2903(8)(b) declaring each area as an urban renewal area, making additional findings regarding the characteristics of the areas, making the necessary findings as required by Idaho Code Section 50-2008(a) and authorizing the Agency to prepare an urban renewal plan;

WHEREAS, the Legislature of the State of Idaho has enacted the Act, authorizing certain urban renewal agencies, including the Urban Renewal Agency of Middleton, to adopt revenue allocation financing provisions as part of their urban renewal plans;

WHEREAS, in order to implement the provisions of the Act and the Law, either the Agency may prepare a plan or any person, public or private, may submit such plan to the Agency;

WHEREAS, Agency consultants have undertaken the planning process during 2007 and 2008;

WHEREAS, the Agency has prepared a proposed Middleton Downtown Urban Renewal Plan for the Downtown Urban Renewal Project (the "Plan") and the urban renewal area referred to as the "Downtown Urban Renewal Project Area ("Project Area") for the areas designated as eligible for urban renewal planning;

WHEREAS, such proposed Plan also contains provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Board considered all comment and information submitted to the Agency during several Board meetings and public information session held on October 21, 2008;

WHEREAS, on October 21, 2008, the Agency Board passed Resolution No. 3-08 proposing and recommending the approval of the Middleton Downtown Urban Renewal Plan;

WHEREAS, the Agency has, by letter of transmittal dated October 29, 2008, submitted the Plan to the Mayor and City Council of Middleton;

WHEREAS, the Mayor and City Clerk have taken the necessary action to process the Plan;

WHEREAS, at its regular meeting held November 17, 2008, the Middleton Planning and Zoning Commission and members of the Agency considered the Plan, and the Planning and Zoning Commission found that the Plan is in all respects in conformity with the Comprehensive Plan; a copy of the motion made by the Planning and Zoning Commission and excerpt of minutes setting forth the Planning and Zoning Commission's findings are attached hereto as Exhibit 1;

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WHEREAS, notice of the public hearing of the Plan was caused to be published by the Middleton City Clerk of Middleton, Idaho, in the *Idaho Press Tribune* on November 3, and 17, 2008, a copy of said notice being attached hereto as Exhibit 2;

WHEREAS, as of October 29, 2008, the Plan was submitted to the affected taxing entities, available to the public, and under consideration by the City Council;

WHEREAS, the City Council of the City of Middleton conducted a work session on November 19, 2008, to review and discuss the Plan;

WHEREAS, the City Council during its regular meeting of December 3, 2008, held such public hearing;

WHEREAS, as required by Idaho Code Sections 50-2905 and 50-2906, the Plan contains the following information which was made available to the general public and all taxing districts at least thirty (30) days prior to the December 3, 2008, regular meeting of the City Council: (1) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (2) an economic feasibility study; (3) a detailed list of estimated project costs; (4) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; and (5) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;

WHEREAS, the Plan authorizes certain projects to be financed by revenue allocation bonds and proceeds from revenue allocation;

WHEREAS, appropriate notice of the Plan and revenue allocation provision contained therein has been given to the taxing districts and to the public as required by Idaho Code Section 50-2906;

WHEREAS, it is necessary and in the best interest of the citizens of Middleton, Idaho, to adopt the Plan, including revenue allocation financing provisions since revenue allocation will help finance urban renewal projects to be completed in accordance with the Plan (as now or hereafter amended), in order to: encourage private development in the urban renewal area; prevent and arrest decay of Middleton, Idaho, due to the inability of existing financing methods to provide needed public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the urban renewal area in order to facilitate the long-term growth of their common tax base; encourage private investment within Middleton, Idaho; and to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area described in Attachments 1 and 2 of the Plan is likely to increase as a result of initiation of urban renewal projects in accordance with the Plan;

WHEREAS, under the Law and Act any such Plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent,

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safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise;

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

WHEREAS, the overall base assessment roll for the revenue allocation area cannot exceed ten percent (10%) of the Base Assessment Value of the City of Middleton;

WHEREAS, the City at its regular meeting held on December 3, 2008, considered the Plan as proposed and made certain comprehensive findings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON:

SECTION 1: It is hereby found and determined that:

(a) The Downtown Urban Renewal Project Area as defined in the Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.

(b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan are necessary in the interests of public health, safety, and welfare of the residents of the City of Middleton.

(c) There continues to be a need for the Middleton Urban Renewal Agency ("Agency") to function in the City of Middleton.

(d) The Plan conforms to the Comprehensive Plan of the City of Middleton.

(e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Plan, the need for overall public improvements, and the proposed public open space), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Plan.

(f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.

(g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The collective base assessment roll of the Downtown Urban Renewal Project Area does not exceed ten percent (10%) of the assessed value of the City of Middleton.

SECTION 2: The City Council finds that the Downtown Urban Renewal Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Downtown Urban Renewal Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that if portions of the Downtown Urban Renewal Project Area and Revenue Allocation Area are deemed "open land," the criteria set forth in the Law and Act has been met.

SECTION 3: The City Council finds that one of the Plan objectives to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not now contain such residential opportunities, and the portion of the Downtown Urban Renewal Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Middleton Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 3, 2008, hearing, and incorporate changes or modifications, if any.

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SECTION 5: No direct or collateral action challenging the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 6: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Canyon County and to the appropriate officials of Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and Mosquito Abatement District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 7: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan (defined as the Project Area in the Plan), the equalized assessed valuation of which the Council hereby determines is in and is part of the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 8: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds are outstanding, the City Council shall not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 10: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2008, to the extent permitted by the Act.

SECTION 11: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 12: One-half, plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days, and have hereby adopted this Ordinance, having considered it at one reading.

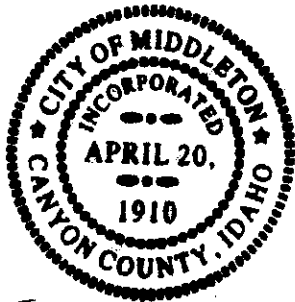
SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

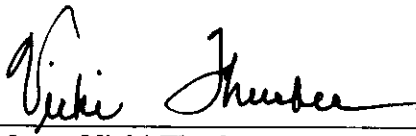
SECTION 14: All ordinances, resolutions, orders or parts thereof in conflict herewith, Ordinance #441 are hereby repealed, rescinded and annulled.

SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

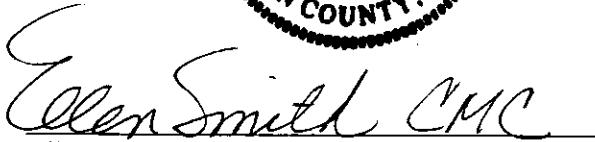
PASSED by the City Council of the City of Middleton, Idaho, on this 17th day of December, 2008.

APPROVED by the Mayor of the City of Middleton, Idaho, on this 17<sup>th</sup> day of December, 2008.



  
\_\_\_\_\_  
Mayor Vicki Thurber

ATTEST:

  
\_\_\_\_\_  
Ellen Smith, City Clerk

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Exhibit 1

RECOMMENDATION FINDING THE MIDDLETON URBAN  
RENEWAL AGENCY PLAN  
IN CONFORMITY WITH COMPREHENSIVE PLAN

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**Urban Renewal:** Ryan Armbruster gave a staff report of the legal criteria for adopting a **Urban Renewal Plan**. A presentation for the Urban Renewal Plan was presented to the Planning and Zoning Commission. Ryan Armbruster, attorney with Elam & Burke gave a staff report on the URD committee and how long they have been working on this plan. Statute states that URD plan must be presented to the Planning and Zoning Commission for a finding that the plan is in conformance with the Comprehensive Plan funds can be spent on public not private improvements within the approved district. A PowerPoint presentation was shown to the audience it went through the area designated as the URD district, the components of the plan, the budget of the plan for a period of 24 years O'Meara asked why it doesn't list inside, the members of the committee members. Grey asked if the district was going to encourage the existing property owners with financial incentives to update their businesses hopefully to the vision that the URD has in mind. Armbruster-incentives in the sense, that we will try and encourage them to redevelop their own properties to the extent that there are some needed improvements like sidewalks, streetscape within the right of way. There would be no direct financial participation with the developer/owner regarding their private building or private property. We will work closely with developers to use public funds to encourage them to develop. He used a Meridian project as an example. The commission will make a motion to recommend to the Council the conformity to the comprehensive plan. The Council will be holding a public hearing on December 3. It was **moved** by Commissioner O'Meara, **seconded** by McWhorter that we move forward with a recommendation to Council for approval that the Downtown Urban Renewal Plan conforms with the general land use plan for the City of Middleton's Comprehensive Plan for the development of the Municipality as a whole and this action and motion by the commission be entered into the minutes and forwarded onto the City Council as the commissions as a written recommendation for approval and adoption of the Urban Renewal Plan. 7:51:54 PM

**Yes:** Commissioner Cada, Commissioner McWhorter, Commissioner O'Meara, Commissioner Grey and Commissioner Golden

**No:** None

**Abstained:** None

**Absent:** Commissioner Tabb

Motion passed unanimously.

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## Exhibit 2

# NOTICE PUBLISHED IN THE IDAHO PRESS TRIBUNE

### CITY OF MIDDLETON

#### SUMMARY OF ORDINANCE NO. 442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, APPROVING THE MIDDLETON DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS, WAIVING THE READING RULES; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDERED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON:

SECTION 1. It is hereby found and determined that:

(a) The Downtown Urban Renewal Project Area as defined in the Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.

(b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan is necessary in the interests of public health, safety, and welfare of the residents of the City of Middleton.

(c) There continues to be a need for the Middleton Urban Renewal Agency ("Agency") to function in the City of Middleton.

(d) The Plan conforms to the Comprehensive Plan of the City of Middleton.

(e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Plan, the need for overall public improvements, and the proposed public open space), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Plan.

(f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.

(g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.

(h) The collective base assessment roll of the Downtown Urban Renewal Project Area does not exceed ten percent (10%) of the assessed value of the City of Middleton.

SECTION 2. The City Council finds that the Downtown Urban Renewal Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Downtown Urban Renewal Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that 3 portions of the Downtown Urban Renewal Project Area and Revenue Allocation Area are deemed "open land" criteria set forth in the Law and Act has been met.

SECTION 3. The City Council finds that one of the Plan objectives is to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not otherwise contain such residential opportunities, and the portion of the Downtown Urban Renewal Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Middleton Comprehensive Plan to overcome economic decline, the need for improved traffic patterns, and the need for the conservation of this area with other areas of the City.

SECTION 4. The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachments, be, and the same hereby is, approved. As decided by the City Council, the City Clerk may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 17, 2006, hearing, and incorporate changes or modifications, if any.

SECTION 5. No direct or collateral action challenging the Plan shall be brought prior to the effective date of the Ordinance or after the lapse of thirty (30) days from after the effective date of the Ordinance adopting the Plan.

SECTION 6. Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Canyon County and to the assessor of the City of Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and Mosquito Abatement District, and the State Tax Commission, a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

SECTION 7. The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan (defined as the Project Area in the Plan), the equalized assessed valuation of which the Council hereby determines is as is and is part of the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 8. The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9. So long as any Agency bonds are outstanding, the City Council shall not exercise its power under Idaho Code Section 50-901A to designate itself as the Agency Board.

SECTION 10. This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2006, to the extent permitted by the Act.

SECTION 11. The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision in any particular circumstance is declared invalid by any court, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 12. On behalf, plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days, and have hereby adopted this Ordinance, having considered it at one reading.

SECTION 13. The summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 15. SAVINGS CLAUSE: This ordinance does not affect any action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED BY THE City Council of the City of Middleton, Idaho, on this 17th day of December 2006.

APPROVED BY THE Mayor of the City of Middleton, Idaho, on this 17th day of December 2006.

### EXHIBITS TO THE ORDINANCE

Exhibit 1 Recommendation Finding the Plan in Conformity With Comprehensive Plan

Exhibit 2 Notice Published in Idaho Press Tribune

Exhibit 3 Middleton Downtown Urban Renewal Plan

Exhibit 4 Ordinance Summary

### SUMMARY OF PLAN

The Middleton Downtown Urban Renewal Plan ("Plan") was prepared by the urban renewal agency of the City of Middleton, the Middleton Urban Renewal Agency ("Agency") pursuant to the State of Idaho Urban Renewal Law, the Local Economic Development Act, the Idaho Constitution, and all applicable laws and ordinances and was approved by the Agency. The Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 amended. The Plan contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the equalized base assessment roll as of January 1, 2006, to be allocated to the Agency for the urban renewal purposes.

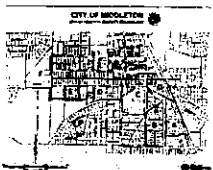
The general scope and objectives of the Plan are:

- the elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, and inadequate public improvements and facilities, including certain streets, improvements to public utilities, and removal, burying, or relocation of overhead utilities;
- the assembly of land into parcels suitable for modern, integrated development with parking and improved pedestrian and vehicular circulation in the Project Area;
- the replanning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized because of fragmented ownership and other site conditions;
- the cleanup and redevelopment of properties adjacent to State Highway 44;
- the development of properties;
- the strengthening of the economic base of the Project Area and the community by the establishment of needed public improvements, infrastructure and facilities to stimulate new commercial expansion, employment, and economic growth;
- the establishment and implementation of performance criteria to assure design integrity and the quality of the urban design elements which provide unity and integrity to the entire Project Area;
- the strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole, and benefiting the various taxing districts in which the Project Area is located;
- the creation of public spaces, gateway entries, public art, and the like;
- the provision of civic buildings or community facilities owned or occupied by other public entities including the City of Middleton;
- the provision of adequate land for open space and street right-of-way;
- the construction and improvement of major street corridors to allow traffic flows to move through the development/improvements to Highway 44 (Main Street) along with the accompanying utility connections through the Project Area; and
- the necessary public infrastructure to accommodate both public and private development.

Any such land uses as described in the Plan will be in conformity with the Comprehensive Plan of Middleton, Idaho. Land made available will be developed by private enterprise or public agencies as authorized by law. The Plan identifies needed public and private improvements which may be made within the Urban Renewal Area.

The Project Area boundaries herein referred to are as follows:

The Project Area consists of approximately 540,000 square feet generally shown on Attachment 1, and as specifically described in Attachment 2, both attached and incorporated herein by reference.



Land in the S1/2 of Section 6 and the N1/2 of Section 7, all in Township 4 North, Range 2 West, Boise Meridian, in the City of Middleton, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the quarter corner common to said Sections 6 & 7, at the intersection of Hawthorn Drive and Main Street (State Highway 44);  
thence 100°30'27"W 167.13 feet to the POINT OF BEGINNING;  
thence N89°41'00"W 489.57 feet;  
thence S89°40'33"W 817.89 feet to the east line of Fourth Avenue West;  
thence along said east line N01°24'51"E 353.66 feet;  
thence S40°37'45"W 564.30 feet;  
thence S01°36'52"E 435.39 feet to the south line of 19th Main Street (State Highway 44);  
thence along said south line N02°38'36"E 812.91 feet to the east line of said Fourth Avenue West;  
thence along said east line S02°18'17"W 239.28 feet;  
thence S89°16'48"E 335.01 feet;  
thence S89°40'33"E 418.88 feet;  
thence S02°18'17"W 118.11 feet to the north line of Arbor Drive;  
thence along the north line of Arbor Drive N89°43'37"E 353.55 feet to the west line of First Avenue West;  
thence N02°30'04"E 52.19 feet to the east line of First Avenue West;  
thence continuing along the north line of said Arbor Drive

thence leaving said north line S89°44'20"E 491.79 feet to the east line of First Avenue East;  
thence along said east line S00°51'43"W 272.99 feet;  
thence S89°44'26"E 190.00 feet;  
thence S02°18'17"W 200.00 feet;  
thence S89°36'51"E 414.90 feet to the centerline of Dewey Ave.;  
thence along said centerline S00°12'16"W 691.11 feet to the centerline of Boise Street;  
thence along said centerline of Boise Street S89°25'10"E 470.00 feet to the east line of Middleton Road;  
thence along said east line N00°35'36"E 230.01 feet;  
thence S89°32'04"E 340.23 feet;  
thence N19°29'20"W 58.64 feet;  
thence S89°35'11"E 222.45 feet to the east right-of-way line of the abandoned Oregon Short Line Railroad;  
thence along said east right-of-way line S24°09'05"W 1261.21 feet;  
thence S89°27'36"W 163.66 feet;  
thence N24°11'34"W 148.84 feet to the south line of First Street North;

thence along said south line N89°44'26"W 401.55 feet;  
thence S00°14'17"W 145.50 feet;  
thence N89°44'21"W 738.92 feet to the POINT OF BEGINNING.

The area contained within the above description is 61,805 Acres, more or less.

The basis of bearing for this description being the Canyon County GIS Database.

Sections 300 through 323 discuss the proposed redevelopment areas, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition, and property disposition.

Sections 402 through 404 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable City ordinances.

Section 405 describes design guidelines for development.

The Plan also contains a major section on financing. Among other sources, the Plan will utilize revenue allocation financing authorized by Chapter 29, Title 50, Idaho Code. This statute was approved in 1965 by the Idaho Legislature. Section 504 and Attachment 3 discuss revenue allocation financing and show how such financing would work in the Project Area in the future if certain new private developments occur as estimated. Section 505 provides for a specific rebate of a portion of the revenue allocation to Middleton School District No. 134.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2006, will generate revenue for the Agency to pay project costs. Project costs include street improvements, parking facilities, and other public improvements. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts: Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and Mosquito Abatement District to finance their operations. The Plan authorizes the Agency to issue revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance the Project and to also fund the described activities.

No change in the land use designation or the potential uses in the area have been proposed. The Plan follows the underlying zoning classifications of the City of Middleton. Proposals for certain zone changes are made in the Plan.

Sections 600 through 700 describe cooperative activities by the Agency with the City.

The duration of the Plan is for twenty-four (24) years. A termination process, as described in Section 600 of the Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.

### ATTACHMENTS TO THE PLAN

Attachment 1 Project Area and Revenue Allocation Area Boundary Map and Middleton Comprehensive Plan Land Use Classification

Attachment 2 Description of Project Area and Revenue Allocation Area

Attachment 3 Properties Which May Be Acquired by Agency (limited to public improvements and facilities)

Attachment 4 Map Depicting Current Zoning within Revenue Allocation Area and Project Area

Attachment 5 Statement of Proposed Public Improvements, Costs, Revenue, Tax Impacts, and Financing Methods

Attachment 5A Estimated Improvement Costs Within Downtown Middleton Project Area

Attachment 5B Feasibility Study: Revenues and Expenditures Downtown Middleton Project Area

Attachment 6 Master Design Plan for Downtown Middleton Project Area

The full text of Ordinance 442 is available at the offices of the City Clerk located at Middleton City Hall, 6 N. Dewey Avenue, Middleton, Idaho, 83644.

This summary is approved by the Middleton City Council at its meeting of December 17, 2006.

Vicki Thorpe, Mayor  
ATTEST: Ellen Smith, City Clerk

I, Paul Fitzer, City Attorney for the City of Middleton, Idaho, hereby declare and certify that in my capacity as City Attorney of the City of Middleton, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and correct, and, as such, Summary of Ordinance, provided said ordinance to the public in the contents including the exhibits, all of which are attached to this summary.

Ordinance No. 442

DATED this 17th day of December, 2006.  
Paul Fitzer, City Attorney,  
Middleton, Idaho

Dec 18, 2006

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ORDINANCE  
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Exhibit 3

MIDDLETON DOWNTOWN URBAN RENEWAL PLAN

*copy available at City Hall*

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Exhibit 4  
CITY OF MIDDLETON

SUMMARY OF ORDINANCE NO. 442

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, APPROVING THE MIDDLETON DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS, WAIVING THE READING RULES; PROVIDING A REPEALER CLAUSE; APPROVING THE SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON:

SECTION 1: It is hereby found and determined that:

- (a) The Downtown Urban Renewal Project Area as defined in the Plan is a deteriorated or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, and redevelopment of the urban renewal area pursuant to the Plan are necessary in the interests of public health, safety, and welfare of the residents of the City of Middleton.
- (c) There continues to be a need for the Middleton Urban Renewal Agency ("Agency") to function in the City of Middleton.
- (d) The Plan conforms to the Comprehensive Plan of the City of Middleton.
- (e) The Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the mixed use components of the Plan, the need for overall public improvements, and the proposed public open space), and shows consideration for the health, safety, and welfare of any residents or businesses in the general vicinity of the urban renewal area covered by the Plan.

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- (f) The Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation and redevelopment of the urban renewal area by private enterprises.
- (g) The Plan provides a feasible method for relocation of any displaced families residing within the urban renewal area.
- (h) The collective base assessment roll of the Downtown Urban Renewal Project Area does not exceed ten percent (10%) of the assessed value of the City of Middleton.

SECTION 2: The City Council finds that the Downtown Urban Renewal Project Area and Revenue Allocation Area do not consist of predominantly open land, that the Agency does not intend to acquire any open land on any widespread basis, and that the Downtown Urban Renewal Project Area is planned to be redeveloped in a manner that will include both residential and nonresidential uses. Provided, however, the City Council finds that if portions of the Downtown Urban Renewal Project Area and Revenue Allocation Area are deemed "open land," the criteria set forth in the Law and Act has been met.

SECTION 3: The City Council finds that one of the Plan objectives to increase the mixed use development opportunity to include housing does meet the sound needs of the City and will provide residential opportunities in an area that does not now contain such residential opportunities, and the portion of the Downtown Urban Renewal Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Middleton Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachments, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 3, 2008, hearing, and incorporate changes or modifications, if any.

SECTION 5: No direct or collateral action challenging the Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Plan.

SECTION 6: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Tax Assessor of Canyon County and to the appropriate officials of Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and Mosquito Abatement District, and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map or plat indicating the boundaries of the Revenue Allocation Area.

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SECTION 7: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Plan (defined as the Project Area in the Plan), the equalized assessed valuation of which the Council hereby determines is in and is part of the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

SECTION 8: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

SECTION 9: So long as any Agency bonds are outstanding, the City Council shall not exercise its power under Idaho Code Section 50-2006 to designate itself as the Agency Board.

SECTION 10: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2008, to the extent permitted by the Act.

SECTION 11: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION 12: One-half, plus one of the City Council members finding good cause, the City Council hereby dispenses with the rule that this Ordinance be read on three different days, and have hereby adopted this Ordinance, having considered it at one reading.

SECTION 13: The Summary of this Ordinance, a copy of which is attached hereto as Exhibit 4, is hereby approved.

SECTION 14: All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled; including ordinance #441.

SECTION 15: SAVINGS CLAUSE: This ordinance does not affect an action or proceeding commenced or right accrued before this ordinance takes effect.

PASSED by the City Council of the City of Middleton, Idaho, on this 17<sup>th</sup> day of December 2008.

APPROVED by the Mayor of the City of Middleton, Idaho, on this 17<sup>th</sup> day of December 2008.

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## EXHIBITS TO THE ORDINANCE

- Exhibit 1      Recommendation Finding the Plan in Conformity With Comprehensive Plan
- Exhibit 2      Notice Published in *Idaho Press Tribune*
- Exhibit 3      Middleton Downtown Urban Renewal Plan
- Exhibit 4      Ordinance Summary

## SUMMARY OF PLAN

The Middleton Downtown Urban Renewal Plan ("Plan") was prepared by the urban renewal agency of the City of Middleton, the Middleton Urban Renewal Agency ("Agency") pursuant to the State of Idaho Urban Renewal Law, the Local Economic Development Act, the Idaho Constitution, and all applicable laws and ordinances and was approved by the Agency. The Plan provides for the Agency to undertake urban renewal projects pursuant to the Idaho Urban Renewal Law of 1965 as amended. The Plan contains a revenue allocation financing provision pursuant to the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2008, to be allocated to the Agency for the urban renewal purposes.

The general scope and objectives of the Plan are:

1.      the elimination of environmental deficiencies in the Project Area, including, among others, obsolete and aged building types, and inadequate public improvements and facilities, including certain streets, improvements to public utilities, and removal, burying, or relocation of overhead utilities;
2.      the assembly of land into parcels suitable for modern, integrated development with parking and improved pedestrian and vehicular circulation in the Project Area;
3.      the replanning, redesign, and development of undeveloped and underdeveloped areas which are stagnant or improperly utilized because of fragmented ownership and other site conditions;
4.      the cleanup and redevelopment of properties adjacent to State Highway 44;
5.      the redevelopment of properties;
6.      the strengthening of the economic base of the Project Area and the community by the installation of needed public improvements, infrastructure and facilities to stimulate new commercial expansion, employment, and economic growth;



7. the establishment and implementation of performance criteria to assure design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area;
8. the strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Revenue Allocation Area and the Project Area as a whole, and benefiting the various taxing districts in which the Project Area is located;
9. the creating of public spaces, gateway entries, public art, and the like;
10. the provision of civic buildings or community facilities owned or occupied by other public entities including the City of Middleton;
11. the provision of adequate land for open space and street rights-of-way;
12. the construction and improvement of major street corridors to allow traffic flows to move through the development improvements to Highway 44 (Main Street) along with the accompanying utility connections through the Project Area; and
13. fund the necessary public infrastructure to accommodate both public and private development.

Any such land uses as described in the Plan will be in conformance with the Comprehensive Plan of Middleton, Idaho. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Urban Renewal Area.

The Project Area boundaries herein referred to are as follows:

The Project Area consists of approximately sixty-two (62) acres generally shown on Attachment 1, and as specifically described in Attachment 2, both attached and incorporated herein by reference:

**Map of Urban Renewal Project Area and Revenue Allocation Area, and Description of Urban Renewal Project Area and Revenue Allocation Area:**

**[DRAFTING NOTE: INCLUDE MAP AND LEGAL DESCRIPTION USED IN NOTICE OF HEARING]**

Sections 300 through 323 discuss the proposed redevelopment actions, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, relocation, demolition, and property disposition.

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Sections 402 through 404 discuss the type of land uses authorized in the Project Area and list other controls by referencing the applicable City ordinances.

Section 405 describes design guidelines for development.

The Plan also contains a major section on financing. Among other sources, the Plan will utilize revenue allocation financing, authorized by Chapter 20, Title 50, Idaho Code. This statute was approved in 1988 by the Idaho Legislature. Section 504 and Attachment 5 discuss revenue allocation financing and show how such financing would work in the Project Area in the future if certain new private developments occur as estimated. Section 509 provides for a specific rebate of a portion of the revenue allocation to Middleton School District No. 134.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2008, will generate revenue for the Agency to pay project costs. Project costs include street improvements, parking facilities, and other public improvement costs. The assessed valuation of real and personal property on the base assessment roll is still available for use by the other taxing districts, Greater Middleton Recreation, Middleton Ambulance District, City of Middleton, Canyon County Highway District #4, Middleton Fire District, Middleton Cemetery District, Middleton School District #134, College of Western Idaho, Flood Control District No. 10, Canyon County, and Mosquito Abatement District to finance their operations. The Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service.

The program outlined in the Plan emphasizes the installation of needed public improvements, street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance the Project and to also fund the described activities.

No change in the land use designation or the potential uses in the area have been proposed. The Plan follows the underlying zoning classifications of the City of Middleton. Proposals for certain zone changes are made in the Plan.

Sections 600 and 700 describe cooperative activities by the Agency with the City.

The duration of the Plan is for twenty-four (24) years. A termination process is described in Section 800 of the Plan. The Agency is required to prepare an annual report each year describing its activities during the previous year.

#### **ATTACHMENTS TO THE PLAN**

Attachment 1      Project Area and Revenue Allocation Area Boundary Map and Middleton Comprehensive Plan Land Use Classifications

Attachment 2      Description of Project Area and Revenue Allocation Area

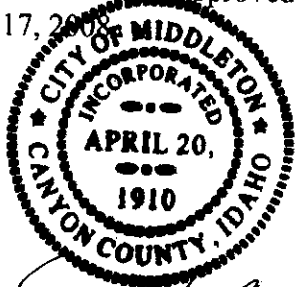
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- Attachment 3 Properties Which May Be Acquired by Agency  
(limited to public improvements and facilities)
- Attachment 4 Map Depicting Current Zoning within Revenue Allocation Area and  
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- Attachment 5 Statement of Proposed Public Improvements, Costs, Revenue, Tax  
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- Attachment 5A Estimated Improvement Costs Within Downtown Middleton Project Area
- Attachment 5B Feasibility Study: Revenues and Expenditures Downtown Middleton  
Project Area
- Attachment 6 Master Design Plan for Downtown Middleton Project Area


The full text of Ordinance 442 is available at the offices of the City Clerk located at Middleton City Hall, 6 N. Dewey Avenue, Middleton, Idaho, 83644.

This summary is approved by the Middleton City Council at its meeting of December 17, 2008.



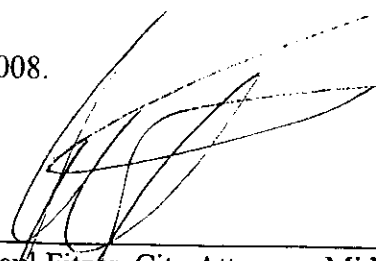
ATTEST:

  
Ellen Smith, City Clerk

  
Vicki Thurber, Mayor

I, Paul Fitzer, City Attorney for the City of Middleton, Idaho, hereby declare and certify that in my capacity as City Attorney of the City of Middleton, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, I have reviewed a copy of the above Summary of Ordinance, have found the same to be true and complete, and said Summary of Ordinance provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 442.

DATED this 17<sup>th</sup> day of December, 2008.

  
Paul Fitzer, City Attorney, Middleton, Idaho

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**CITY OF MIDDLETON  
PROPOSED URBAN RENEWAL DISTRICT BOUNDARY  
BOUNDARY DESCRIPTION**

Land in the S1/2 of Section 6 and the N1/2 of Section 7, all in Township 4 North, Range 2 West, Boise Meridian, in the City of Middleton, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the quarter corner common to said Sections 6 & 7, at the intersection of Hawthorn Drive and Main Street (State Highway 44);

thence N00°00'37"W 167.19 feet, to the **POINT OF BEGINNING**;

thence N89°41'00"W 489.97 feet;

thence N89°40'53"W 817.80 feet, to the east line of Fourth Avenue West;

thence along said east line, N01°24'51"E 751.66 feet;

thence S40°37'45"W 964.30 feet;

thence S01°06'42"W 246.32 feet, to the south line of said Main Street (State Highway 44);

thence along said south line, N89°38'35"E 612.91 feet, to the east line of said Fourth Avenue West;

thence along said east line, S00°19'07"W 239.28 feet;

thence S89°16'46"E 335.01 feet;

thence S89°40'42"E 487.28 feet;

thence S00°14'34"W 118.13 feet, to the north line of Arbor Drive;

thence along the north line of Arbor Drive, N66°44'34"E 163.55 feet, to the west line of First Avenue West;

thence N73°30'04"E 52.19 feet, to the east line of First Avenue West;

thence continuing along the north line of said Arbor Drive, N76°44'34"E 159.89 feet;

thence leaving said north line, S89°44'20"E 491.70 feet, to the east line of First Avenue East;

thence along said east line, S00°51'43"W 272.99 feet;

thence S89°44'26"E 130.00 feet;

thence S00°51'43"W 50.00 feet;

thence S89°38'51"E 414.90 feet, to the centerline of Dewey Avenue;

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thence along said centerline, S00°12'16"W 691.11 feet, to the centerline of Boise Street;  
thence along said centerline of Boise Street, S89°35'16"E 470.00 feet, to the east line of Middleton Road;  
thence along said east line, N00°35'36"E 230.01 feet;  
thence S89°02'08"E 340.23 feet;  
thence N19°29'20"W 38.64 feet;  
thence S89°35'51"E 222.45 feet, to the east right-of-way line of the abandoned Oregon Short Line Railroad;  
thence along said east right-of-way line, N24°09'09"W 1351.51 feet;  
thence S89°37'30"W 163.68 feet;  
thence N24°11'14"W 148.84 feet, to the south line of First Street North;  
thence along said south line, N89°44'26"W 401.55 feet;  
thence S00°14'17"W 145.50 feet;  
thence N89°44'21"W 738.92 feet, to the **POINT OF BEGINNING**.

The area contained within the above description is 61.826 Acres, more or less.

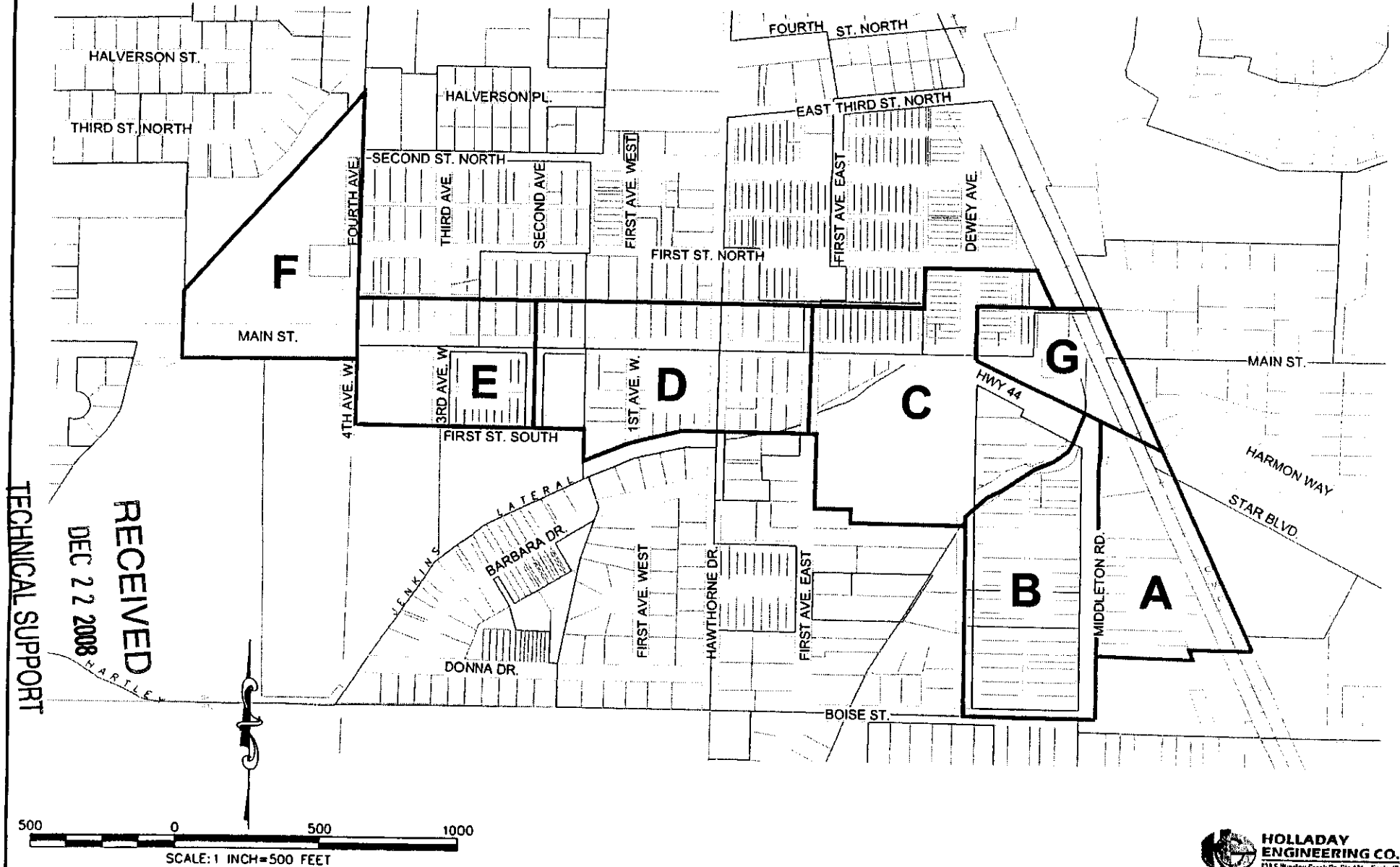
The basis of bearing for this description being the Canyon County GIS database.

END OF THIS DESCRIPTION THAT CONTAINS 2 PAGES.

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# CITY OF MIDDLETON

## URBAN RENEWAL DISTRICT SECTION MAP





# CITY OF MIDDLETON

P.O. Box 487 • 6 N. Dewey Avenue • Middleton, Idaho 83644

(208) 585-3133 • Fax (208) 585-9601

citmid@cableone.net • www.middleton.id.gov

December 19, 2008

State Tax Commission  
GIS Manager  
Technical Support Bureau  
800 Park Blvd. Plaza IV  
Boise, Idaho 83722

RE: Middleton Urban Renewal Agency Plan

Dear Sirs:

As provided for under Idaho Code Sections 50-2907 and 63-215, you are being provided copies of the following documents:

1. Middleton City Council Ordinance No. 442 and Summary of Ordinance No. 442 approving the Middleton Downtown Urban Renewal Plan, which Plan contains a revenue allocation area. The City Council approved the Ordinance at its meeting of December 17, 2008. The Mayor signed the Ordinance on December 17, 2008. Publication of the Ordinance occurred on December 18, 2008.
2. A legal description of the Middleton Urban Renewal Plan Area and Revenue Allocation Area, which areas are coterminous.
3. A map showing the boundaries of the urban renewal area and revenue allocation area.

Please file these documents in your official records.

Should you desire a copy of the entire Middleton Downtown Urban Renewal Plan and its attachments, copies can be obtained from the Offices of the City Clerk, City Hall, 6 N. Dewey Avenue, Middleton, Idaho, 83644.

Sincerely,

*Eileen Smith CMC*  
City Clerk

c: Mayor Vicki Thurber  
Ryan Armbruster, Esquire  
Jared Waltman

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